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6 Attorneys for Plaintiff  
DANKO MEREDITH

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 DANKO MEREDITH, a professional  
11 corporation,

12 Plaintiff,

13 vs.

14 UNITED STATES OF AMERICA  
15 NATIONAL TRANSPORTATION SAFETY  
BOARD, and DOES ONE through FIFTY,  
16 inclusive,

17 Defendants.

Case No.

**COMPLAINT FOR INJUNCTIVE RELIEF**  
**(Freedom of Information Act, 5 U.S.C. § 552)**

18  
19 **INTRODUCTION**

20 1. William Goldman, deceased, was a pilot, husband, and father.

21 2. On July 13, 2017, at or about 12:45 PDT, near Sonoma Skypark Airport (0Q9),  
22 Sonoma, California, decedent William Goldman was piloting CIRRUS SR22T, Registration  
23 Number N821SG, and his children George G., Marie G., and the family nanny, Valera Anselmi  
24 were passengers. On said date and time, decedent William Goldman was piloting the aircraft  
25 when the engine of the aircraft stopped operating suddenly and without warning, causing the  
26 aircraft to crash to the ground.

27 3. William Goldman and his daughter Marie G. died in the crash. Mr. Goldman's  
28 son, George G. and the family nanny, Valera Anselmi were physically injured and suffered

1 severe emotional distress.

2 4. Serra Falk Goldman is William Goldman's widow, Marie G. and George G.'s  
3 mother. Mrs. Goldman hired Plaintiff, DANKO MEREDITH, to represent her, her husband's  
4 and daughter's estates, and her son, relative to their claims arising from the above-described  
5 airplane crash.

6 5. Plaintiff, DANKO MEREDITH, on behalf of its clients, submitted a request for  
7 information to the United States of America National Transportation Safety Board under the  
8 Freedom of Information Act, 5 U.S.C. § 552 ("FOIA") on December 29, 2020. Nearly nine (9)  
9 months later, Plaintiff still has not yet received the requested information as of the date of filing  
10 this Complaint.

11 **THE PARTIES**

12 6. Serra Falk Goldman is the surviving spouse of the decedent William Goldman  
13 and the personal representative of his estate; she is also the mother of George G., and Marie G.,  
14 deceased. Mrs. Goldman is the personal representative of William Goldman's estate and Marie  
15 G.'s estate, and is the guardian *ad litem* of her son, George G, in a pending action in Superior  
16 Court in California.

17 7. Serra Falk Goldman is the successor-in-interest to decedents William Goldman  
18 and Marie G., and mother to George G., a minor, and therefore she is a person of standing  
19 pursuant to California Code of Civil Procedure Sections 377.30 and 377.60

20 8. Plaintiff DANKO MEREDITH is a law firm, located at 333 Twin Dolphin  
21 Drive, Suite 145, Redwood Shores, California, and at all relevant times has been and is retained  
22 by the above-listed persons and estates, relative to their claims arising from the above-  
23 described airplane crash.

24 9. Defendant is the United States of America, specifically acting through the  
25 National Transportation Safety Board ("NTSB").

26 **JURISDICTION AND VENUE**

27 10. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B).  
28 Furthermore, because this request was made by plaintiff DANKO MEREDITH, which

1 maintains a principal place of business in Redwood Shores, California, venue is also  
2 appropriate in this forum pursuant to 5 U.S.C. § 552 (a)(4)(B).

3 **NATURE OF ACTION**

4 11. This action is brought under the Freedom of Information Act, 5 U.S.C. § 552  
5 (“FOIA”), as amended, to enjoin defendant from improperly withholding, and to order  
6 defendant to retrieve, review, and release, the documents which plaintiff requested from  
7 defendant, which are believed to be within its possession and control.

8 **BACKGROUND**

9 12. On December 29, 2020, plaintiff, submitted a FOIA request through the NTSB’s  
10 FOIA website (<https://foiarequest.nts.gov/app/Home.aspx>). Plaintiff sought records  
11 pertaining to the July 13, 2017 crash of decedent William Goldman’s plane and NSTB’s  
12 investigation of said crash. Specifically, plaintiff requested the following material relating to  
13 what the NTSB has named as Accident Number WPR17FA150:

- 14 (1) All documents pertaining to the accident aircraft N821SG,  
15 (2) All documents pertaining to the investigation in the crash of aircraft  
16 N821SG,  
17 (3) All correspondence to/from investigator,  
18 (4) All investigator telephone log and records,  
19 (5) All investigator notes, and  
20 (6) All notes by participating party representatives. (Date Range for Record  
21 Search: From 07/13/2017 To 12/29/2020)

22 13. The NTSB’s website states that plaintiff’s request was received on December  
23 30, 2020, assigned case number FOIA-2021-000912014, and as of the date of this filing, has a  
24 status of “In Process.” (**Exhibit A.**)

25 14. On June 10, 2021, plaintiff asked the NTSB when it would be responding to the  
26 subject FOIA request. (**Exhibit B.**)

27 15. On June 16, 2021, Tamara Crawford, NTSB FOIA Requester Service Center  
28 representative, sent a message through the NTSB’s website, acknowledging that the NTSB had



1 been unable to respond with the twenty-working day time limit required by 5 U.S.C. §  
 2 552(a)(6)(A) and that while it was difficult to say when a response would be provided, the  
 3 “best guesstimate” was by the end of the year. (**Exhibit C.**)

4 16. As of the date of the filing of this Complaint, after the statutorily mandated  
 5 deadline has passed, defendant has not processed plaintiff’s request, nor indicated a reasonably  
 6 accurate projected date when plaintiff’s request will be processed. To date, plaintiff has not  
 7 received any documents in response to its December 29, 2020 FOIA request.

#### 8 ALLEGATIONS

9 17. Under FOIA, if the agency encounters “unusual” circumstances that require an  
 10 extended period of time to process the request, the agency must provide the requester with  
 11 written notice “setting forth the unusual circumstances for such an extension and the date on  
 12 which a determination is expected to be dispatched. No such notice shall specify a date that  
 13 would result in an extension for more than ten working days.” (5. U.S.C. § 552(a)(6)(B)(i).)

14 18. Section 552(a)(6)(C) of the Act states that “[a]ny person making a request to any  
 15 agency for records . . . shall be deemed to have exhausted his administrative remedies with  
 16 respect to such request if the agency fails to comply with the applicable time limit provisions of  
 17 this paragraph.”

18 19. Defendant has failed to provide timely and legally adequate determinations on  
 19 plaintiff’s FOIA requests.

20 20. Defendant has failed to abide by statutory and regulatory procedures in  
 21 responding to and processing plaintiff’s FOIA requests.

22 21. Plaintiff has exhausted the administrative remedies provided by the Freedom of  
 23 Information Act and agency regulations.

24 WHEREFORE, plaintiff prays that this Court:

25 (1) Order the defendant to immediately process and release the requested  
 26 documents,

27 (2) Award plaintiff its costs and reasonable attorney fees as provided by 5  
 28 U.S.C. § 552(a)(4)(E);

1 (3) Order the defendant to waive all fees; and

2 (4) Grant to plaintiff any other relief as the interests of justice may require.

3  
4 Dated: September 1, 2021

Respectfully submitted,

5 **DANKO MEREDITH**

6  
7 By: /s/ Michael S. Smith

MICHAEL S. DANKO

8 MICHAEL S. SMITH

9 Attorneys for Plaintiffs

10  
11  
12 **DEMAND FOR TRIAL BY JURY**

13 Plaintiff DANKO MEREDITH, hereby demands trial by jury of all counts triable by a  
14 jury in this matter.

15  
16 Dated: September 1, 2021

Respectfully submitted,

17 **DANKO MEREDITH**

18  
19 By: /s/ Michael S. Smith

20 MICHAEL S. DANKO

21 MICHAEL S. SMITH

22 Attorneys for Plaintiffs  
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# Exhibit A



# NATIONAL TRANSPORTATION SAFETY BOARD

[My Account](#)
[Change Password](#)
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[Help ▾](#)
[Home](#)
[NTSB FOIA Guidance ▾](#)
[FOIA Reading Room](#)
[FOIA Request Status](#)
[Submit FOIA Request](#)
[Submit FOIA Appeal](#)

## FOIA Request Status

### Request Details

Click on Request # to view request details.

Request Number	Description	Received Date	Fee Due	Request Status	Download Folder
FOIA-2021-00091	Pursuant to the Freedom of Information Act, we res...	12/30/2020	0.00	In Process	-
FOIA-2020-00512	Dear Sir/Madam: This is a request under the Free...	9/8/2020	0.00	Closed	-

Showing 1 to 2 of 2 entries

Previous **1** Next

### Request Status Definitions

<b>Received</b>	Your request has been properly received by the NTSB. A notice was sent informing you of a request tracking number.
<b>Assigned for Processing</b>	Your request has been assigned for processing.
<b>On Hold-Need Info/Clarification</b>	Your request is on hold (meaning that the processing time is suspended) pending clarification of scope, request for additional information, etc. You will be notified via correspondence explaining any reasons(s) your request is on hold.
<b>In Process</b>	Your request is actively being processed by the NTSB.
<b>On Hold-Fee Related Reasons</b>	Your request is on hold (meaning that the processing time is suspended) pending resolution of a fee matter, e.g., estimated costs exceed what was promised to pay, estimate costs exceed \$250.00, etc. You will be notified via correspondence explaining the specific fee matter that must be resolved before processing continues.
<b>Documents Delivered</b>	Responsive documents have been delivered. If delivery was made to your private reading room, login to the portal to view/download the responsive documents. Otherwise the records will be delivered in the method requested.
<b>Closed</b>	Your request was processed and is closed.

[Refresh](#)
[Export](#)

# Exhibit B



Request Number FOIA-2021-00091

### Status Request of

Request Number: FOIA-2021-00091

## Subject\*

Status Request of FOIA-2021-00091

Message(s)

We submitted FOIA request FOIA-2021-00091 in December 2020 but the request is still processing. Would you please let us know when we can expect to have an update on this request? Thank you.

Close

Close

### Request Details

Date Requested

12/29/2020

Received Date

12/30/2020

Request Status

In Process

# Exhibit C



[a true and accurate copy of the text of the above message is copy and pasted below]

RE: Status Request of FOIA-2021-00091

Hello,

Your request is in line for processing. We apologize for our delay, however, due to an extensive backlog, we were unable to process your request within the twenty-working day time limit required by 5 U.S.C. § 552(a)(6)(A). Consequently, it's difficult to say when you can expect a response, however, barring no delays, we plan to respond by the end of the year. We suspect we'll get to it before that time, but this is really our best guesstimate for the completion of your request.

Thank you,

Tamara Crawford

NTSB FOIA Requester Service Center

(202) 314-6540

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We submitted FOIA request FOIA-2021-00091 in December 2020 but the request is still processing. Would you please let us know when we can expect to have an update on this request? Thank you.